

## PATENT COOPERATION TREATY

PCT

## NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner  
 US Department of Commerce  
 United States Patent and Trademark  
 Office, PCT  
 2011 South Clark Place Room  
 CP2/5C24  
 Arlington, VA 22202  
 ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

<b>Date of mailing (day/month/year)</b> 20 March 2001 (20.03.01)	
<b>International application No.</b> PCT/EP00/06938	<b>Applicant's or agent's file reference</b> JV/P32372
<b>International filing date (day/month/year)</b> 17 July 2000 (17.07.00)	<b>Priority date (day/month/year)</b> 23 July 1999 (23.07.99)
<b>Applicant</b> DAVIES, David, Thomas et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

03 February 2001 (03.02.01)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election
- ☒
- was
- 
- ☐
- was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO  
 34, chemin des Colombettes  
 1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

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Telephone No.: (41-22) 338.83.38

(19) World Intellectual Property Organization  
International Bureau



(43) International Publication Date  
1 February 2001 (01.02.2001)

PCT

(10) International Publication Number  
**WO 01/07432 A3**

(51) International Patent Classification<sup>7</sup>: C07D 401/06,  
471/04, A61K 31/4371, 31/47, A61P 31/04

Science Park South, Third Avenue, Harlow, Essex CM19  
5AW (GB).

(21) International Application Number: PCT/EP00/06938

(74) Agent: VALENTINE, Jill, Barbara; SmithKline  
Beecham, New Horizons Court, Brentford, Middlesex  
TW8 9EP (GB).

(22) International Filing Date: 17 July 2000 (17.07.2000)

(25) Filing Language: English

(26) Publication Language: English

(30) Priority Data:  
9917408.8 23 July 1999 (23.07.1999) GB

(81) Designated States (*national*): AE, AG, AL, AM, AT, AU,  
AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CR, CU, CZ,  
DE, DK, DM, DZ, EE, ES, FI, GB, GD, GE, GH, GM, HR,  
HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR,  
LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ,  
NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM,  
TR, TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZW.

(71) Applicant (*for all designated States except US*):  
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(84) Designated States (*regional*): ARIPO patent (GH, GM,  
KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZW), Eurasian  
patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European  
patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE,  
IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG,  
CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).

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sex CM19 5AW (GB). PEARSON, Neil, David [GB/GB];  
SmithKline Beecham Pharmaceuticals, New Frontiers

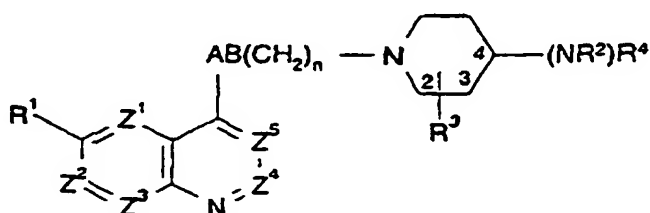
Published:

— With international search report.

(88) Date of publication of the international search report:  
25 May 2001

*For two-letter codes and other abbreviations, refer to the "Guid-  
ance Notes on Codes and Abbreviations" appearing at the begin-  
ning of each regular issue of the PCT Gazette.*

(54) Title: AMINOPIPERIDINE DERIVATIVES AS ANTIBACTERIALS



(I)

(57) Abstract: Aminopiperidine of formula  
(I) derivatives and pharmaceutically  
acceptable derivatives thereof useful in  
methods of treatment of bacterial infections  
in mammals, particularly in man. (I).

# INTERNATIONAL SEARCH REPORT

Intern. Application No.  
PCT/EP/06938

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C07D401/06 C07D471/04 A61K31/4371 A61K31/47 A61P31/04

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C07D A61K A61P

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

CHEM ABS Data, WPI Data, EPO-Internal

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 98 18326 A (US ARMY) 7 May 1998 (1998-05-07) claims 1,2	1,9,10
A	US 3 362 875 A (STRAUSS ROBERT R ET AL) 9 January 1968 (1968-01-09) the whole document	1,9,10

☐ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

### \* Special categories of cited documents :

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*G\* document member of the same patent family

Date of the actual completion of the international search

12 January 2001

Date of mailing of the international search report

30/01/2001

Name and mailing address of the ISA

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# INTERNATIONAL SEARCH REPORT

information on patent family members

International Application No

PCT/EP 01/06938

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 9818326 A	07-05-1998	EP 0936866 A US 5965572 A	25-08-1999 12-10-1999
US 3362875 A	09-01-1968	FR 5559 M GB 1141392 A	20-11-1967

(19) World Intellectual Property Organization  
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(43) International Publication Date  
1 February 2001 (01.02.2001)

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(10) International Publication Number  
**WO 01/07432 A2**

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(72) Inventors; and

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**Published:**

— Without international search report and to be republished upon receipt of that report.

For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

(54) Title: COMPOUNDS

(57) Abstract: Aminopiperidine derivatives and pharmaceutically acceptable derivatives thereof useful in methods of treatment of bacterial infections in mammals, particularly in man.

WO 01/07432 A2

REVISED  
VERSION

INTERNATIONAL SEARCH REPORT

International Application No  
PCT/EP 00/06938

A. CLASSIFICATION OF SUBJECT MATTER  
IPC 7 C07D401/06 C07D471/04 A61K31/4375 A61K31/47 A61P31/04

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Minimum documentation searched (classification system followed by classification symbols)

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"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

9 May 2001

Date of mailing of the international search report

30. 01. 2001

Name and mailing address of the ISA

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Fax: (+31-70) 340-3016

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De Jong, B

# INTERNATIONAL SEARCH REPORT

information on patent family members

Inten application No

PCT/EP 00/06938

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
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US 3362875 A	09-01-1968	FR 5559 M GB 1141392 A	20-11-1967

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

14



Applicant's or agent's file reference DM/JBV/P32372	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP00/06938	International filing date (day/month/year) 17/07/2000	Priority date (day/month/year) 23/07/1999
International Patent Classification (IPC) or national classification and IPC C07D401/00		
Applicant SMITHKLINE BEECHAM P.L.C.		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 6 sheets, including this cover sheet.
  - ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

- This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 03/02/2001	Date of completion of this report 17.09.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Baston, E Telephone No. +49 89 2399 8229 



# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/EP00/06938

## I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, pages:**

1-31 as originally filed

**Claims, No.:**

1-10 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/EP00/06938

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

### III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application.
- ☒ claims Nos. 10 "with respect to industrial applicability".

because:

- ☒ the said international application, or the said claims Nos. 10 relate to the following subject matter which does not require an international preliminary examination (*specify*):  
**see separate sheet**
  - ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
  - ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
  - ☐ no international search report has been established for the said claims Nos. .
2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:
- ☐ the written form has not been furnished or does not comply with the standard.
  - ☐ the computer readable form has not been furnished or does not comply with the standard.

### V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims 1-10
	No: Claims
Inventive step (IS)	Yes: Claims 1-10
	No: Claims
Industrial applicability (IA)	Yes: Claims 1-9

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/EP00/06938

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No: Claims

2. Citations and explanations  
**see separate sheet**

**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:  
**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/EP00/06938

**To section III**

Claims 10 relates to subject-matter considered by this Authority to be covered by the provisions of Rule 67.1(iv) PCT. Consequently, no opinion will be formulated with respect to the industrial applicability of the subject-matter of this claim (Article 34(4)(a)(i) PCT).

**To section V**

The following documents were cited in the search report and were considered for the examination of the present application:

D1: WO 98 18326 A (US ARMY) 7 May 1998

D2: US-A-3 362 875 (STRAUSS ROBERT R ET AL) 9 January 1968

The present application relates to 4-substituted quinoline-derivatives, that are considered to be useful as antibacterial agents. Compounds with one additional nitrogen (at position 2,3,5,7,8) in the quinoline-ring are included as well.

The substituent in position 4 is a 4-amino-derivatized piperidine ring, which is linked via two spacer elements A and B to the quinoline ring.

D1 and D2 are related to differently substituted quinoline-derivatives, that are useful as antiinfective agents. These documents neither anticipate nor suggest any compound of the presently claimed subject-matter. Consequently the requirements of Art 33(2), 33(3) PCT concerning novelty and inventive step for claims 1-10 are met.

For the assessment of the present claim 10 on the question whether it is industrially applicable, no unified criteria exist in the PCT Contracting States. The patentability can also be dependent upon the formulation of the claims. The EPO, for example, does not recognize as industrially applicable the subject-matter of claims to the use of a compound in medical treatment, but may allow, however, claims to a known compound for first use in medical treatment and the use of such a compound for the manufacture of a medicament for a new medical treatment.

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/EP00/06938

**To section VIII**

Claim 1 is not clear (Art. 6 PCT) due to an inconsistency of claimed (one of  $Z^1$ - $Z^5$  is N) and disclaimed ( $R^1$  is not hydrogen, when  $Z^1$ - $Z^5$  are  $CR^{1a}$ ) subject-matter.

Moreover no basis is indicated in the description for this disclaimed subject-matter (Rule 5.1(a)(iii)).